

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio

PROCESSING ENGINEER: Joe Szczesny
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B2-JBS
INTERNET ADDRESS: jszczesn@fcc.gov

FEB 18 2011

Barry Friedman, Esq.
Thompson Hine LLP
1920 N Street NW, Suite 800
Washington, D.C. 20036-1600

In re: Timothy C. Cutforth (Cutforth)
KJME(AM), Fountain, CO
Facility Identification Number: 135886
File No. BL-20080801BCY

Dear Mr. Friedman:

This is in reference to the above-captioned license application to cover Construction Permit BNP-20010604ACD, as modified by Construction Permit BMP-20071231AAA and BMP-20080611ABU, and the November 5, and December 3, 2009, amendments.¹

A preliminary review of the amended application reveals the following problems:

1. There are less than 7 close-in measured points on each non-directional (ND) radial, in violation of Section 73.186 of the Commission's rules. Without the close-in measurements, we cannot properly determine the inverse distance fields. In addition, many of the tabulation pages contained errors concerning the type of measurements that were submitted. For example, the 51.5° tabulation pages in the November 5, 2009, amendment shows "DA-N" on the first page instead of "DA-D", and "DA-N" ratioed against "DA-D" instead of "DA-D/ND" on the following page; the 160° tabulation shows the DA-D ratioed against DA-D measurements, but it appears second column on each page should have been ND.
2. In the "KJME MEASURED PATTERN" summary page exhibit of the December 3, 2009, amendment, Cutforth proposes to augment the field on radial 95.5°, 97°, 208° and 263.5°. However, as of today, no FCC Form 301 minor change application to augment

¹ The license application was dismissed on February 9, 2009, as patently defective because it was filed on August 2, 2008, five days after the permit expired, and did not contain the required daytime and nighttime proof. On March 23, 2009, Cutforth filed a Petition for Reconsideration requesting the application be reinstated. On October 6, 2009, the staff granted the Petition for Reconsideration, reinstated the application and requested Cutforth to amend the application.

the daytime pattern has been filed.

3. The FCC Form 302 in the November 5, 2009, amendment did not contain the daytime and nighttime common point currents and resistance values, and did not include page 5 to identify the person that prepared the amendment.
4. The December 3, 2009 amendment contained new 351.5° and 51.5° ND graph and tabulation pages with additional close in points, but both of those graphs and tabulation pages are unacceptable because they did not include the measurement points submitted in the November 3, 2009, amendment.
5. The daytime directional antenna and non-directional antenna polar plot exhibits showing the measured RMS values for both patterns were not submitted, as required by Section 73.186 (a)(4) of the Commission's rules.

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide an opportunity to file a curative amendment resolving all problems. Since the incomplete application was filed in 2008 and Cutforth already had multiple opportunities to perfect the application, no further extensions of time to file the requested amendment will be considered. Failure to amend with an acceptable amendment resolving all problems will result in the dismissal of the application pursuant to Section 73.3568 of the Commission's Rules.

Sincerely,

A handwritten signature in blue ink that reads "Son Nguyen".

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Timothy C. Cutforth